

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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February 10, 2004

FROM: GARY PENROD, Sheriff
Sheriff's Department

SUBJECT: FOURTH AMENDMENT TO CONTRACT NO. 02-483 WITH JONES & MAYER TO PROVIDE
LEGAL SERVICES.

RECOMMENDATION:

1. Approve Fourth Amendment to Contract No. 02-483 with Jones & Mayer, in the amount of \$25,000, to provide legal services to the Sheriff, for a total contract amount not to exceed \$125,000 (\$100,000 – Sheriff; \$25,000 – Assessor).
2. Approve use of contingencies, in the amount of \$25,000, for legal services and authorize transfer in appropriation as detailed in the financial impact section below in order to move funding for this amendment from contingencies to an appropriate expenditure object code. (Four votes required.)

BACKGROUND INFORMATION: On May 21, 2002, the Board of Supervisors considered a proposed ordinance adding Chapter 4 to Division 3 of Title 1 of the San Bernardino County Code regarding the standards and conduct for County officials. During this Board session, concerns were raised regarding the potential impact the ordinance might have on the constitutional responsibilities of the Sheriff.

In accordance with the conflict of interest provisions of Government Code Section 31000.6, the Sheriff requested the legal services of Jones & Mayer to provide advice and representation to the Sheriff with respect to matters arising from the proposed ordinance. On June 11, 2002, the Board of Supervisors approved Contract No. 02-483 with Jones & Mayer, in the amount of \$50,000, to provide legal representation for the Sheriff.

On June 18, 2002, the Assessor requested an amendment to Contract No. 02-483 for an additional \$50,000 to provide advice and representation for the Assessor. The Board approved a revised recommendation, which reduced the \$50,000 that was originally approved for the Sheriff to \$25,000 and approved \$25,000 for legal services for the Assessor.

On November 19, 2002, the Board of Supervisors approved a second amendment to this contract, authorizing an additional \$25,000 for continued legal representation for the Sheriff in this matter, which restored Sheriff's expenditure authority for legal representation to the original Board-approved amount of \$50,000.

On July 29, 2003, the Board of Supervisors approved a third amendment to this contract, authorizing an additional \$25,000 for continued legal representation for the Sheriff in this matter, which brought the Sheriff's expenditure authority for legal representation to the amount of \$75,000.

Approximately \$73,600 of the \$75,000 revised allocation for the Sheriff has been expended. Approval of the fourth amendment to this contract will provide additional expenditure authority, in the amount of \$25,000, to continue representation of the Sheriff, for appellate court proceedings.

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BOARD OF SUPERVISORS

FOURTH AMENDMENT TO CONTRACT NO. 02-483 WITH JONES & MAYER TO PROVIDE LEGAL SERVICES

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REVIEW AND APPROVAL BY OTHERS: This item has been reviewed and approved as to form by County Counsel (Ruth E. Stringer, Assistant County Counsel, 387-5451) on January 23, 2004; and has been reviewed by the County Administrative Office (Laurie Rozko, Administrative Analyst, 387-8997) on January 30, 2004.

FINANCIAL IMPACT: The cost of this contract amendment, in the amount of \$25,000, will be paid by the Sheriff's Department and reimbursed from an appropriate budget unit pursuant to Government Code Section 31000.6. Transfer in appropriation to move funds from contingencies to an appropriate expenditure object code, in the amount of \$25,000, is detailed below.

Increase	AAA-FAD-FAD 200 2445	Other Professional Services	\$25,000
Decrease	AAA-CNR-CNR 600 6000	Contingencies	\$25,000

SUPERVISORIAL DISTRICT(S): All

PRESENTER: Richard Beemer, Captain (387-3637)

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